

CRIMINAL RECORD INQUIRIES



Administrative Services Division
Criminal Information and Identification Section

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Title:	Module 2 – Criminal Record Inquiries
Purpose:	To present to the student an overview of the types of criminal records that are available to authorized users, how to access those records and the laws, rules and regulations regarding the use of these records.
Training Objectives:	<p>At the end of this block of instruction, the student will be able to achieve the following objectives in accordance with information received during the instructional period:</p> <ol style="list-style-type: none"> 1. Identify the sources of criminal records available to authorized users to include SBI, FBI and NLETS (Canadian and Other State) records. 2. Explain State/Federal rules and regulations regarding access and dissemination of these criminal records. 3. Identify the three (3) DCIN operator responsibilities regarding accessing criminal records from SBI, FBI and NLETS sources. 4. Given a scenario, identify the correct transaction and purpose code that would be used to process a criminal record request. 5. Be able to retrieve and print a monthly criminal record log as required by DCIN regulations. 6. Identify the agency responsibilities regarding review and maintaining of the monthly criminal record log as required by DCIN regulations. 7. Discuss the types of records available from the NC Administrative Office of the Courts (AOC) computer system. 8. Given a scenario, identify the correct transaction that would be used to process a record check request through the AOC computer system. 9. Identify at least three (3) investigative resources available for authorized users from the NC Department of Correction website.
Hours:	Six (6)
Instructional Method:	Lecture/Discussion
Training Aids:	Computer Slide Projector Computer Slideshow Student Training Manual/Workbook

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I. Sources of Criminal Records

A. SBI Computerized Criminal/Investigative Records

1. NC Computerized Criminal History File (CCH).
 - a) Criminal records of individuals who have been arrested and the SBI has received a valid criminal fingerprint card; these records are identified with a NC SID Number ending with "A".
 - b) Historical misdemeanor fingerprint cards, which will provide the identification record only.
 - (1) An AOC inquiry must be performed to obtain the arrest and court data.
 - (2) These records are identified with a NC SID Number ending with "H".
2. Juvenile Investigative Records
 - a) Juveniles who have been adjudicated delinquent and fingerprinted in accordance with NCGS 7B-2102.
 - b) Only juveniles who were 10 years old or older at the time they allegedly committed the offense that would be a Class A, B, C, D, or E felony if committed by an adult.
 - c) These records are identified with a NC SID Number ending with "J".
3. NC criminal/investigative records normally consist of three components that are merged together electronically by the SBI Identification Section.
 - a) **Arrest Data Segment** – records of an individual's arrest for a crime in which the individual was fingerprinted; created from fingerprint cards submitted by NC law enforcement agencies.
 - b) **Court Disposition Segment** – disposition status of the charge(s); supplied by NC Administrative Office of the Courts (AOC) after disposition by the courts.
 - c) **Custody Data Segment** – custodial/prison information; supplied by NC Department of Correction if the individual was convicted and received custody sentence.

B. NCIC Interstate Identification Index (III)

1. National name index for which the FBI has received a valid criminal fingerprint card.

2. Includes:
 - a) Criminal records of all persons born in 1956 or later with a FBI record.
 - b) Persons born prior to 1956 whose first arrest fingerprint card was submitted to the FBI on July 1, 1974 or later.
 - c) Numerous older records converted to the automated system since III was implemented.
3. Includes identification information with an automatic pointer to the state(s) or federal agency housing the computerized record.
4. NC Historical and Juvenile Investigative records are not indexed in III.

C. Other States/Canadian Criminal/Investigative information

1. Other State Repositories.
 - a) Computerized files maintained at the state level only.
 - b) May include various types of records such as criminal, arrest, etc.
2. Canadian Police Information Center (CPIC).
 - a) Name index and complete criminal history records for Canada.
 - b) Response(s) may be reviewed by CPIC before being returned to the requestor.
3. Criminal History Record Information (CHRI) - local agencies in other states and/or Canada.
 - a) Records which may or may not be documented by fingerprint cards.
 - b) Referred to as criminal history record information (CHRI).

II. Access & Dissemination Requirements for CCH/CHRI

A. Access

1. **Restricted to authorized law enforcement/criminal justice agencies.** Limited access ORI's are not authorized to access SBI/NCIC/NLETS criminal records. Only NC AOC records may be accessed by limited access ORI's (see section VII for AOC record information).

2. **"Need to Know"** is access for the administration of criminal justice or criminal justice employment.
3. **"Right to Know"** (right to review) allows an individual to request a review of his computerized record.
 - a) Local agencies are not authorized for this reason.
 - b) Individual would need to contact the SBI Identification Section and submit fingerprints to verify identity.
4. Title 28 CFR Part 20.3 defines the administration of criminal justice as the performance of any of the following activities involving accused persons or criminal offenders:
 - a) Detection
 - b) Apprehension
 - c) Detention
 - d) Pretrial Release
 - e) Post Trial Release
 - f) Prosecution
 - g) Adjudication
 - h) Correctional Supervision
 - i) Rehabilitation

B. Dissemination

1. The SBI stores an automated log of criminal/investigative inquiries.
2. Automated log will contain the information supplied by the operator in the inquiry transaction.
3. Secondary Dissemination is dissemination to any person outside the initial requesting agency. This must be indicated in the inquiry screen (AT2) and in the case file pertaining to that record. This field may also be utilized to indicate the purpose of the request. For example, NCIC Entry, SOR File, Arrest or list the appropriate OCA Number.

C. Terminal Operator's Responsibility

1. Determine specific reason for request.
2. Choose the appropriate transaction and purpose code for the given reason.

3. Indicate if a secondary dissemination will be made.

III. Authorized Uses and Transactions for National/State Records

A. Criminal Justice Information

1. The Privacy Act of 1974 requires the FBI to maintain an audit trail of the purpose of each disclosure of a criminal history record and the recipient of that record. Therefore, law enforcement agencies must have the ability to account for all criminal history inquiries.
2. Caution should be exercised when running criminal record inquiries.
3. State/National and NC Only purpose codes are not interchangeable.
4. Seek guidance when in doubt.

B. Criminal Justice (Purpose Code C)

1. Requests for the administration of criminal justice such as criminal investigations, court, bond/probation hearings, etc.
2. Security of the Criminal Justice Facility.
 - a) Vendors or contractors at the criminal justice facility who are **NOT** involved with the actual administration of criminal justice at the criminal justice agency.
 - (1) Carpet cleaner, individuals responsible for maintaining vending machines, custodial or maintenance workers.
 - (2) Private wrecker operators which recover automobiles impounded as evidence.
 - b) Volunteers at the criminal justice facility who are **NOT** involved with the administration of criminal justice at the criminal justice agency.
 - (1) Participants in community ride-along programs.
 - (2) Volunteers at a confinement facility who are providing social or community services rather than rehabilitative services.
 - c) Confinement facility visitors.
3. Inmates of a confinement facility for proper inmate classification.

4. Security of a military installation – authorizes a military criminal justice agency (military police) to utilize Purpose Code “C” in screening of visitors and contractors being admitted into their installation.
5. Defendants, co-defendants, jurors, witnesses, experts, etc. – but only for prosecutorial purposes in a criminal court, a court of general jurisdiction, or an appellate court.
6. Defense attorneys have access to national/state records, if the following criteria are met. The criteria are:
 - a) Request is for a defendant represented in a criminal or infraction court case. (No civil court cases)
 - b) Defense attorney access form has been completed.
 - c) District Attorney, or Assistant District Attorney, of the court district in which the case is to be tried signs the defense attorney access form authorizing release.
 - d) Agency performing inquiry should maintain defense attorney access form on file for one year.
7. Juvenile investigative records are not criminal history records and are for criminal justice investigative uses only. Juvenile investigative records will only be provided when Purpose Code “C” is used.

C. Criminal Justice Employment (Purpose Code J)

1. Background investigations of the criminal justice agency personnel.
 - a) Includes sworn officers, communications and records personnel, etc.
 - b) Includes “friends, relatives, and associates” of the employee or applicant who is subject to the background investigation.
2. Vendors or contractors at the criminal justice agency who **ARE** involved with the actual administration of criminal justice at the criminal justice agency.
 - a) Personnel involved with maintenance of computer systems, upgrading records systems, etc.
 - b) CJIS Security Policy requires fingerprint-based backgrounding for all personnel who are responsible for configuring and maintaining computer systems and networks with access to the FBI CJIS network.

3. Volunteers at the criminal justice agency who **ARE** involved with the actual administration of criminal justice at the criminal justice agency.
 - a) Volunteer dispatchers, data entry clerks, etc.
 - b) Volunteers at a confinement facility who are providing inmate rehabilitation.
4. Criminals history inquires **CANNOT** be made (using any purpose code) for BLET sponsorship unless the individual is employed by or has applied for employment for an open position at the inquiring agency.
5. Agency also **CANNOT** run AOC and DMV inquires for BLET sponsorship.

D. Public Housing Authority (Purpose Code H)

1. Requests by authorized public housing authorities assigned an ORI.
2. Only authorized use is for background checks on adult applicants for (or tenants of) public housing for purposes of applicant screening, lease enforcement, and eviction.
3. Public housing authority may not receive a copy of the "QH" response. They shall only be advised if a "possible" record exists or no record exists.
4. Public housing authority must submit fingerprint cards to the FBI in order to obtain the criminal record. **(A QR Purpose Code H is not allowed.)**
5. The SBI has developed a recommended request form to be used for public housing authority requests and responses. This form clearly identifies **required** procedures the public housing authority must follow.

E. Domestic Violence and Stalking (Purpose Code D)

1. Requests by civil and criminal courts for use in domestic violence and stalking court cases only.
2. Civil courts are authorized to access criminal history files for this purpose only.

3. Law enforcement officers conducting investigations in domestic violence and stalking cases should be using Purpose Code "C".

F. Weapon Related Checks (Purpose Code F)

1. Three specific reasons for running Purpose Code F:
 - a) DVO requiring the defendant to surrender weapon(s) for duration of the Order.
 - b) Law enforcement seizes a weapon as evidence in a criminal case.
 - c) Law enforcement takes a weapon for safe keeping.
2. At no time should this be used instead of a NICS inquiry for Sheriff's Offices in issuing permits to purchase or permits to carry concealed. **A NICS check is required before the issuance of a permit.** This purpose code may be used in addition to a NICS transaction when performing the IAQ transaction on a non US Citizen for a permit to purchase.

G. Security Clearance Information Act (SCIA) (Purpose Code S)

1. Used by federal agencies, which have been authorized by the SCIA to perform background and security clearance investigations.
2. The agency must have an "R" ORI assigned in order to utilize this purpose code.

H. Transactions for National & State Criminal/Investigative Records

1. National and state criminal/investigative name inquiry: **(QH)**
 - a) Name and numeric identifier(s) (DOB, SOC, etc.) must be used.
 - b) Provides identification record with FBI and/or SID.
 - c) Performs wanted/missing person search which includes a search of the following files: NCIC Wanted Persons, Foreign Fugitive, USSS Protective*, Immigration Violator*, Violent Gang & Terrorist Organization*, NCIC Protection Orders, NCIC Sex Offenders*, Supervised Release*, and Identity Theft*.
 - d) Performs search of NC Concealed Handgun Permits*, NC Sexual Offender Registration* files and NC DOC Records*.
 - e) Response from those files with an * should only be given to criminal justice agencies.

2. National and state criminal/investigative record inquiry: **(QR)**
 - a) Name and either FBI or SID must be used.
 - b) Provides complete computerized criminal history record.
 - c) Cannot be performed for a public housing authority (Purpose Code H).
3. Responses include:
 - a) National (III) records.
 - b) State (SBI CCH) records (including NC juvenile investigative records if Purpose Code C is used).
 - c) NLETS criminal record responses.

IV. Authorized Uses and Transactions for NC ONLY Records

A. Licensing/Non-Criminal Justice Employment (Purpose Code Exx; xx = numeric code)

1. Background checks on applicants/employees for non-criminal justice employment such as taxi permits, precious metal dealer permits, etc.
2. Access authorized for those agencies that have written approval from SBI in conjunction with the Attorney General's Office.
3. Written requests by local agencies to SBI must be based on a state statute or local ordinance, which give authority to deny license or employment based on a criminal record.
4. Purpose Code used is "E" plus a numeric code, which is assigned by the SBI Identification Section upon agency approval (e.g. taxi permit is Purpose Code E 06).
5. If criminal record received, agency should submit fingerprint card to the SBI for verification before denying the license.

B. Defense/Private Attorneys (Purpose Code PA)

1. Defense Attorneys have access to NC records only if the following criteria are met:
 - a) Request is for a defendant represented in a criminal or infraction court case. **(No civil court cases)**
 - b) Defense Attorney access form has been completed and signed by the requesting attorney.
 - c) The defense Attorney access form must be notarized since the DA/ADA did not sign the request form.

2. Agency performing inquiry should maintain defense attorney access form on file for one year.

C. Guardian Ad Litem (Purpose Code GA)

1. A Guardian Ad Litem is an individual appointed by the court to take charge of child being represented in court for an abuse or neglect case.
2. A Guardian Ad Litem may be an approved community volunteer, a DSS worker, private attorney or court program employee.
3. The Guardian Ad Litem must present a copy of the court order stating his/her appointment.
4. A copy of the court order must be maintained on file for one year by the agency performing inquiry.

D. Transactions for NC Only Criminal/Investigative Records

1. NC only Criminal/Investigative Name inquiry: (QHNC)
 - a) Name and numeric identifier(s) (DOB, SOC, etc.) must be used.
 - b) Provides NC identification record with FBI and/or SID.
 - c) Performs wanted/missing person search which includes a search of the following files: NCIC Wanted Persons, Foreign Fugitive, USSS Protective*, Immigration Violator*, Violent Gang & Terrorist Organization*, NCIC Protection Orders, NCIC Sex Offenders*, Supervised Release*, and Identity Theft*.
 - d) Performs search of NC Concealed Handgun Permits*, NC Sexual Offender Registration* files and NC DOC Records*.
 - e) Responses from those files with an * can only be given to criminal justice agencies.
2. NC only Criminal/Investigative Record inquiry: **(QRNC)**
 - a) Name and either FBI or SID must be used.
 - b) Provides complete state (SBI CCH) record.
3. NC only Name Index inquiry: **(ZID)**
 - a) Name or street name.
 - b) Listing of NC criminal/investigative records.
 - c) For criminal justice use only.

V. NLETS Transactions for Criminal/Investigative Information

A. Other-State (Repositories) Criminal Records Inquiries

1. Transactions should be used when additional information is desired and/or there is no III/CCH record.
2. Other-State Computer Criminal Name Inquiry: **(IQ)**
 - a) Name and numerical identifier(s) (DOB, SOC, etc.) are used to obtain identification record with SID.
 - b) Up to 5 states can be queried at a time.
3. Other-State Computer Criminal Record Inquiry: **(FQ)**
 - a) SID used to obtain full record.
 - b) Only one state at a time can be queried for the full state record.
4. Authorized purpose codes are determined by each state.

B. Canadian CCH Inquiries

1. Canadian Criminal Name Inquiry: **(CIQ)**
 - a) Name and numeric identifier(s) (DOB, SOC, etc.) used to obtain identification record with FPS number.
2. Canadian Criminal Record Inquiry: **(CFQ)**
 - a) FPS number used to obtain full record from CPIC.
 - b) Response is reviewed by CPIC prior to disseminating out of country, which may delay your response.
3. Authorized purpose codes are determined by CPIC.

C. Other State/Canadian Local Records Transactions

1. Requests for **CHRI** or additional information such as photographs, court dispositions, fingerprint cards, or local records from an individual agency in another state and/or Canada.
2. Other-State/Canadian Request Local Record query: **(AQ)**
3. Other-State/Canadian Response Local Record query: **(AR)**
4. Authorized purpose codes are determined by each state.

D. Other State Parole, Probation, and Correction Inquiries

1. These transactions would be used to access information from the Department of Corrections in other states. Currently, only four states are participating and may support these transactions. Those states are: Alaska, Florida, Montana & South Dakota. To access NC DOC files utilize the Query Corrections (CPQ) transaction.
2. Other-State Parole, Probation and Corrections query: **(PAQ)**
3. Other-State Corrections by Name or Number query: **(PCQ)**
4. Other-State Parole Record Only query: **(PPQ)**
5. Other-State Probation Record Only query: **(PBQ)**
6. Authorized purpose codes are determined by each state. Some states treat this type of information as Criminal History. Some states may not be able to respond to some or all of these inquiries. To see a list of current states participating, check the NLETS Help Files (HL Transaction).

E. NLETS Criminal/Investigative Help Files: (HL)

1. Help files have been established for each application that will provide details regarding access, availability, etc.
2. A table of participating states may also be obtained.

F. Immigration & Customs Enforcement (ICE) Law Enforcement Support Center (LESC) Query: (IAQ)

1. Purpose
 - a) Obtain information on aliens suspected of criminal activity.
 - b) Status information of aliens under arrest.
2. Uses
 - a) Criminal investigative purposes (Purpose Code C).
 - b) Background investigations on applicants for permits to purchase handguns, if applicant is not a US citizen (Purpose Code F).
 - c) Identification and background data for correctional agencies.
 - d) To notify ICE of a subject's incarceration or placement on probation.

3. Access
 - a) Only agencies authorized to request criminal record information via NLETS have access to the LESC.
 - b) Limited access ORI's do not have access to LESC inquiries.
4. Search
 - a) LESC staff searches 8 ICE databases, NCIC Wanted Persons, & III.
 - b) Use all information known, in addition to mandatory fields; other inquiries (such as criminal records & DMV) should be performed first to obtain additional identifiers.
5. Response
 - a) Response time may be 20 minutes - 4 hours because the search process is not fully automated and human intervention is required in providing responses.
 - b) Computer generated acknowledgment will be sent within seconds of receipt by the LESC indicating the request has been received and is being processed.
 - c) LESC may send copies of their responses to the ICE office with jurisdiction over the agency that made the inquiry.
 - d) Inquiries/responses are not required to be logged and will not be added to the automated criminal record log.

VI. DCI Criminal History Inquiries Log (QCHL)

A. Inquiry

1. Used to comply with NCIC/DCI rules regarding access and dissemination.
2. Log is created automatically as the inquiries are performed.
3. Log must be obtained for each Omnixx in-house terminal. If no CCH inquiries were ran on a specific terminal a log must still be printed.
4. Requested month (RMO) and year (QYR) are used to obtain the monthly summary log.
5. Beginning and Ending Date/Time (BDT/EDT) may be used to obtain current month data.
6. A monthly summary log is available on the first day of the following month.

7. Logs are available only for the previous eighteen months.

B. Response

1. Provides listing of all criminal/investigative inquiries made at a specific terminal, including rejected transactions.
2. Responses will also include the National Instant Check System (NICS) inquiries log.

C. Agency's Responsibilities

1. Monthly automated log(s) must be printed prior to the end of the next month and reviewed by agency head or his designee to determine compliance.
2. A log must be printed for each in house device.
3. This review must be documented by signing/dating the printout.
4. The CCH portion of the printout must be maintained on file for one year, while the NICS portion must be destroyed after 90 days.
5. Any misuse or possible violations must be reported to the SBI.
6. Failure to print the log(s) prior to the end of the following month will result in a Non-Compliance Audit.

VII. NC Administrative Office of the Courts (AOC) Records

A. NC Criminal Court Records

1. DCI has access to automated NC Criminal Court files.
 - a) Felony, misdemeanor, traffic and some infraction charges.
 - b) Does not provide access to civil files.
2. Automation of court records began in the 1980's.
3. Each county Clerk of Court enters criminal process papers once served and tracks the record through the complete judicial process.
4. All records are not documented by fingerprint cards.

5. Un-Served Criminal Warrants
 - a) AOC is implementing a Statewide Magistrate System, which will enter all warrants on a daily basis issued by magistrates.
 - b) If not participating in Statewide Magistrates System, un-served warrants can be entered by Clerk of Court staff once issued by magistrate however this procedure will vary from county to county.
 - c) Case status will be unserved until served or disposed.
6. AOC response that indicates an un-served warrant is not probable cause to arrest an individual. Agencies receiving a hit on an unserved warrant should use the hit only as a pointer to contact appropriate officials.
7. Archived Records
 - a) AOC is archiving some misdemeanor and traffic offenses.
 - b) Records are archived only if case is over 4 years old with a final disposition, no further court action pending, and no arrest fingerprint card was submitted.
 - c) Archive records can be accessed through DCI.

B. Access, Use and Dissemination of AOC Records

1. Access is granted to all agencies with DCI access including limited access ORI's.
2. Use of these records is restricted to law enforcement/criminal justice purposes and should be regulated by departmental policy.
3. Authorized purposes include criminal investigations, criminal court, defendant/witness schedules, etc.
4. DCI does NOT require a log of dissemination be maintained on AOC information.

C. DCI Transactions for AOC Records

1. Criminal Defendant Name Inquiry (**QACD**)
 - a) Name is only mandatory field.
 - (1) Optional fields used may qualify/reduce the number of responses.
 - (2) Response may be very large.
 - b) Name Depth (01-09).

- (1) May use to broaden the soundex search on the name.
 - (2) If left blank default is 01, which is minimal search.
- c) Archive Field.
 - (1) May request active records only, archive records only, or both active and archive records.
 - (2) If both active and archive records requested the majority of records returned will be active.
- d) Year Range (1-9).
 - (1) May be used to search plus/minus number of years on DOB or AGE.
- e) Case Status.
 - (1) May request specific status.
 - (a) P - Pending cases only
 - (b) D - Disposed cases only
 - (2) If left blank both will be searched.
- f) Court County/Level.
 - (1) Statewide search if left blank.
 - (2) County search if county code used.
 - (3) Level option may be used with county code to search surrounding counties.
- g) Charged/Convicted Offense Type.
 - (1) May use specific type(s).
 - (a) F – Felonies
 - (b) M – Misdemeanors
 - (c) T – Traffic
 - (d) I – Infractions
 - (2) If left blank, all types will be searched.
- h) Offense Status.
 - (1) May use to request specific offense status.
 - (2) If left blank, all status types will be searched.
- i) Response will be summary of record(s).
 - (1) Name(s) of defendant(s) with some personal and arrest identifiers.
 - (2) Court Docket number (case file) identifies each case and must be used with the court county to obtain the detail court record.
 - (3) Status of records is UNSERVED, PENDING, or DISPOSED.

2. Criminal Court Record (**QACR**)

- a) Criminal court record for a specific warrant or case.
- b) Requires court county code and court docket number.
- c) Response will be detailed court record, which may include defendant's name, address, other personal identifiers,

arrest information, trial date, attorney's name, witnesses' names, offense charges, and status of case.

3. Criminal Defendant Individual Record **(QACI)**

- a) Court docket numbers associated with one individual's arrest(s) where fingerprints were submitted and compared.
- b) Query by fingerprint Check Digit Number, SID Number, or Local ID Number (LID).
- c) Response will be summary of record(s).
 - (1) Name(s) of defendant(s) with some personal/arrest identifiers.
 - (2) Court docket number and court county.

4. Defendant/Witness Court Schedule **(QACS)**

- a) Court schedule of defendants and witnesses.
- b) Witness Types.
 - (1) Complainant, defense, state, inactive, and unknown.
 - (2) Law enforcement officers if listed as a witness.
- c) Utilizing additional data fields such as case years and/or case status will reduce the number of records returned.
- d) Inquiry on un-served warrants will provide a list of warrants which are still un-served and associated with the name used in the query.
- e) Inquiry on disposed charges will provide a list of all cases that have been disposed of by the courts or District Attorney and are associated with the name used in the query.
- f) Response will include witness name(s), witness number, defendant name, court docket number, scheduled court date, courtroom number, and offense.

VIII. NC Department of Correction Internet Site

A. North Carolina Offender Information

- 1. Available to criminal justice users.
- 2. Information on all past and current offenders (inmates, probationers and parolees).
- 3. Search

- a) Offender's Name – allows the user to search by offender's name (and optional physical descriptors) and/or numerical identifiers (OLN, DOC Number, etc.).
 - b) Tattoo Search – allows the user to search for a specific tattoo by body location and description.
 - c) Photo Lineup – allows the user to create a photo lineup of similar individuals from DOC offender files.
 - d) Customized Search - a wide search based on a number of criteria such as age, county, crime, ethnicity, eye color, hair color, height, weight, race, sex, etc.
4. Response Contents
- a) Physical details.
 - b) Summary of most recent incarceration.
 - c) Sentence history and probation/parole record.
 - d) Image provided if available.
5. Links to prisoner releases, escapes, offender statistics, and a feedback page for comments

B. Accessing DOC Offender Information

1. Internet URL is <http://www.doc.state.nc.us/offenders/>
2. The criminal justice portion of the DOC Website is password protected.
 - a) Password is changed monthly.
 - b) Common User ID shared by users of the system.
 - c) Password changes on the 15th of the month. User ID and password can be obtained under Links on Omnixx Force.
3. This service is for criminal justice agencies only.

Module 2

Criminal Record Inquiries

Forms Section



DEFENSE ATTORNEY ACCESS OF SBI/DCI NETWORK (Rev. 3-2009)

I, _____, of _____ law firm represent the following defendant and have entered the named criminal/infracton case in accordance with N.C.G.S. § 15A-141-:

IDENTIFYING INFORMATION	
DEFENDANT'S NAME	
DATE OF BIRTH, RACE, AND SEX	
OPERATOR'S LICENSE # AND STATE	
SOCIAL SECURITY NUMBER	
CASE DOCKET NUMBER	
PROSECUTORIAL DISTRICT	
COURT DATE	
TYPE OF INFORMATION REQUESTED	
N.C. DRIVING HISTORY	
OUT OF STATE DRIVING HISTORY (CONSENT FORM REQUIRED)	
N.C. CRIMINAL RECORD CHECK (QHNC/QRNC PURPOSE PA)	
NATIONAL CRIMINAL RECORD CHECK (QH/QR PURPOSE C)	
DCIN OPERATOR NAME AND DATE	
IF NATIONAL CRIMINAL RECORD IS REQUESTED DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY MUST SIGN THIS DOCUMENT	ORIGINAL SIGNATURE OF DISTRICT ATTORNEY OR ASST. DISTRICT ATTORNEY AUTHORIZING RELEASE

The above requested information is relevant to my client's defense in this criminal proceeding. I understand that the use of this information for any purpose other than those outlined above may result in prosecution under N.C.G.S. § 14-454 (Accessing Computers) and any other applicable law(s). I further understand that any misuse of this information obtained through the SBI/DCI system or fraudulent completion of this document may result in a grievance being filed with the North Carolina State Bar.

REQUESTING ATTORNEY INFORMATION	
ATTORNEY'S PRINTED NAME	
ATTORNEY'S ORIGINAL SIGNATURE	
TELEPHONE NUMBER	
NORTH CAROLINA STATE BAR NUMBER	

*** NOTARY NOT REQUIRED IF DOCUMENT IS SIGNED BY DISTRICT ATTORNEY ***

SWORN AND SUBSCRIBED BEFORE ME THIS THE ____ DAY OF _____, 20__.

MY COMMISSION EXPIRES: _____

Q. May a defense attorney be given an out of state driving record from DCIN?

A. Only if two requirements are met:

- 1) The attorney must have formally entered a criminal proceeding representing the driver/defendant. NCGS § 15A-141 defines when an attorney has entered a criminal proceeding, and;
- 2) Under the Federal Driver's Privacy Protection Act, the attorney must also provide express written consent of the driver. A copy of such consent should be attached to and kept with the defense attorney access form.

General Consent for Release of Personal Information

I, _____ (printed name of motorist), authorize the
_____ (name of agency releasing information) to disclose or otherwise make
available to my attorney, _____ (name of attorney), personal and highly
restricted personal information including identifying information, photographs, images, social security
number, driver identification number, name, address, telephone number, medical and disability information
about me in connection to my motor vehicle operator's permit, motor vehicle title, motor vehicle registration,
driver safety record, and identification card issued by a department of motor vehicles.

(signature of driver)

***** THIS MUST BE NOTARIZED*****

PUBLIC HOUSING AUTHORITIES ACCESS OF DCI/NCIC NETWORK

I, _____ of _____ in
(Name) (Public Housing Authority)
accordance with Public Law 104-120 request Criminal Conviction Records for the below identified adult applicants for, or tenants of, public housing. This request is made for purposes of applicant screening, lease enforcement, or eviction.

The _____ in reliance on the information
(Law Enforcement Agency)
provided herein by the Public Housing Authority agree to access state and national criminal history records for the applicants or tenants named herein. The Public Housing Authority agrees to use this information only in conformity with Public Law 104-120. The Public Housing Authority understands that any misuse of this information obtained through the DCI/NCIC system will be reported to the Federal Bureau of Investigation.

Signature of Public Housing Agency Representative

Address

City, State, Zip

Date of Request

Telephone Number

Name

Date Of Birth

Race

Sex

Social Security Number

Any Other Numerical Identifiers

☐ No Record Found

☐ Possible Record/Submit Fingerprints

Name

Date Of Birth

Race

Sex

Social Security Number

Any Other Numerical Identifiers

☐ No Record Found

☐ Possible Record/Submit Fingerprints

Page ____ of ____

Name

Date Of Birth

Race

Sex

Social Security Number

Any Other Numerical Identifiers

☐ **No Record Found**

☐ **Possible Record/Submit Fingerprints**

Name

Date Of Birth

Race

Sex

Social Security Number

Any Other Numerical Identifiers

☐ **No Record Found**

☐ **Possible Record/Submit Fingerprints**

Name

Date Of Birth

Race

Sex

Social Security Number

Any Other Numerical Identifiers

☐ **No Record Found**

☐ **Possible Record/Submit Fingerprints**

Name

Date Of Birth

Race

Sex

Social Security Number

Any Other Numerical Identifiers

☐ **No Record Found**

☐ **Possible Record/Submit Fingerprints**

Page ____ of ____

Public Housing Authority Form Instructions

The attached form has been developed for use by North Carolina Public Housing Authorities (PHA) and North Carolina law enforcement agencies. This form is not intended to be used to obtain any information not specifically authorized by law. This form is a recommended form, and is not required by law. It is recommended that law enforcement agencies establish a policy to incorporate the utilization of this form or other method of processing of Public Housing criminal history requests.

Instructions for utilizing this form are as follows:

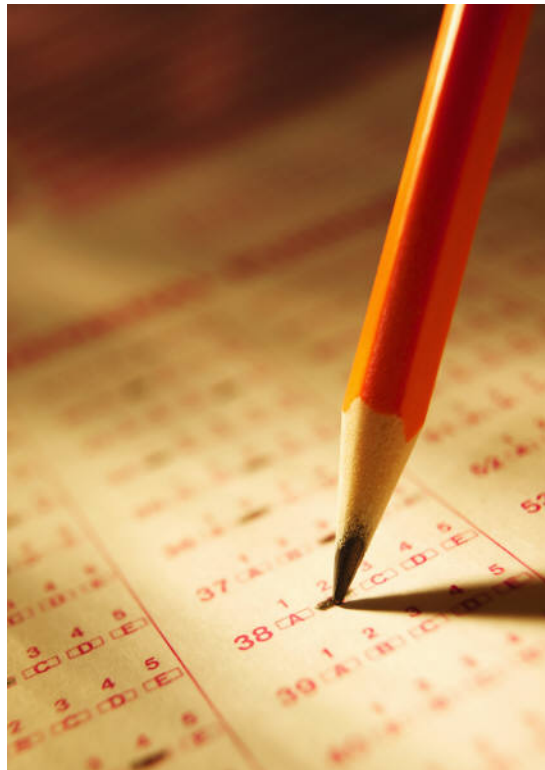
1. Public Housing Authority (PHA) should fill out all appropriate information listed on the form for each name provided (at least Name, DOB, Race, Sex).
2. PHA should provide law enforcement agency the original copy with original signatures (notary not required). PHA should keep a copy for their records.
3. Law enforcement agency should conduct the appropriate name inquiry transaction (QH) utilizing all data provided with the given names. When response to inquiry is received, verification should be made to assure the correct data fields were used in the inquiry. Law enforcement agency should check the appropriate block on the form to indicate either "No Record Found" or "Possible Record/Submit Fingerprints". If a multiple response is received based on the information provided, the block "Possible Record/Submit Fingerprints" should be checked so PHA can verify by fingerprint submission to the FBI.
4. **NO RESPONSES FROM DCI SHOULD BE GIVEN TO THE PHA.**
5. The law enforcement agency should maintain a copy of the completed PHA Request Form for a period of 1 year. This is suggested for accountability purposes only. It is not part of the criminal history logging requirement.
6. A copy of the completed form may be mailed to the authorized representative of the PHA who signed the form.

Any questions regarding the utilization of this form should be directed to the SBI Criminal Information and Identification Section / Compliance Unit at 919 – 662 – 4500.

MODULE 2

Criminal Record Inquiries

Independent Exercises



Sources of Records and Access/Dissemination

Complete each of the following questions by providing your answer in the blank provided.

1. "Need to Know" implies that criminal justice agencies have access to criminal/investigative records for what reasons?

2. What is the national name index for which the FBI has received a valid criminal fingerprint card?

3. What has taken place when a record has been disseminated to an authorized person outside the initial requesting agency?

4. What are the records that are maintained by local agencies in other states and/or Canada that may or may not be documented by fingerprint cards?

5. Who should an individual contact to request a review of his/her computerized record?

Authorized Uses and Transactions for National/State Records

Complete each of the following exercises by answering the question with the information requested. You may use your certification outline and the help information on the next page to assist you in answering these exercises.

1. Capt. Joe Friday of your department would like a criminal record check on Elmer Fudd, A/M, DOB/09-09-1965, SOC/467-82-9135. Captain Friday is performing a background investigation for law enforcement employment. What transaction and purpose code should be used?

Transaction _____ Purpose _____

2. Defense Attorney Floyd Lawson requests a criminal name check on client Otis Campbell, W/M, DOB/08-15-1950 for use in a criminal court case. He provides you with the completed access form, which has been signed by the District Attorney in your county. What transaction and purpose code would be used to obtain this information?

Transaction _____ Purpose _____

Should NC Concealed Handgun Permit, Violent Gang, Immigration Violator, and other similar responses be included in the information given to a defense attorney?

(Yes or No) _____

3. The response on Otis Campbell contained his FBI number, 6391374V2, and his NC SID, NC488723A. What transaction and purpose code would be used to obtain the complete record for the defense attorney?

Transaction _____ Purpose _____

4. An authorized Public Housing Authority has requested a criminal/investigative name search on tenant Joyce Duncan, I/F, DOB/11-05-1970. What transaction and purpose code would be used to obtain this information?

Transaction _____ Purpose _____

5. Civil court Judge Judy Wopner requests a criminal record search on Robert Johnson, B/M, DOB/10-20-1967 for a stalking and domestic violence case. What transaction and purpose code would be used to obtain information for this case?

Transaction _____ Purpose _____

6. Deputy Barney Fife recovered a stolen handgun during a traffic stop. Before releasing this weapon back to the owner, Kandi Cane, W/F, DOB/12/25/1975, a CCH inquiry should be performed. What transaction and purpose code would be used to obtain this information?

Transaction _____ Purpose _____

Criminal Records Forms/Transactions

Query ICE Alien Information (IAQ)
National Name Query (QH)
National Record Query (QR)
NC Only Name Index Search (ZID)
NC Only Name Query (QHNC)
NC Only Record Query (QRNC)
Out-of-State Computer Name Query (IQ)
Out-of-State Computer Record Query (FQ)
Out-of-State/Canada Request Local Rec (AQ)
Out-of-State/Canada Response Local Rec (AR)
Canadian Name Query (CIQ)
Canadian Record Query (CFQ)
Inquiries Log (QCHL)

Purpose Codes

C	Criminal Justice Purposes
J	Criminal Justice Employment
F	Weapons Related Checks
H	Housing Authority
D	Domestic Violence/Stalking
S	Security Clearance Information Act
E 06	Licensing/Non-criminal Justice Employment (taxi permit)
PA	Defense/Private Attorney
GA	Guardian ad Litem

Authorized Uses and Transactions for NC Records

Complete each of the following exercises by answering the question with the information requested. You may use your certification outline and the help information on page 32 of this manual to assist you in answering these exercises.

1. Marge Simpson is requesting a criminal record check on Sally Fields, W/F, DOB/01-29-1961. She provides you with a copy of a court order which shows that she has been appointed a guardian ad litem. What transaction and purpose code would be used to provide her with the information requested?

Transaction _____ Purpose _____

2. Agent Will Smith of the Drug Task Force requests a name check on a suspect in a drug case known as "Cricket". This is the only information that the agent has on the subject. What transaction would be used to perform a NC name index search?

Transaction _____

3. Defense Attorney Johnny Carson requests a criminal name check on client David Jay Leno, B/M, DOB/03-13-1968 for use in criminal court. He presents you with the completed access form, which has been notarized but **not** signed by the District Attorney. What transaction and purpose code would be used to obtain this information?

Transaction _____ Purpose _____

4. The response that you receive on David Jay Leno provides his SID number, NC724631A. What transaction and purpose would be used to obtain his complete record?

Transaction _____ Purpose _____

5. Detective Jim West of your agency is conducting a non-criminal justice background investigation on Jay Silverheels, I/M, DOB/03-13-1949 for a taxi permit application. Your agency has been authorized for this reason. What transaction and purpose code would be used to perform this search?

Transaction _____ Purpose _____

NLETS Transactions and Criminal History Inquiries Log

Complete each of the following exercises by answering the question with the information requested. You may use your certification outline and help information from page 32 of this manual to assist you in answering these exercises.

1. You are conducting a criminal investigation and have performed a state/national records check on Jon Winters, W/M, DOB/08-01-1960. The III record showed an arrest by Atlanta (Georgia) PD for possession of cocaine but the court disposition was not indicated in the criminal record. What transaction and purpose code would be used to obtain the court disposition from the Atlanta PD?

Transaction _____ Purpose _____

2. Your agency is investigating a homicide. A national and state criminal/investigative name inquiry on Johnny Mack Brown, B/M, DOB/11-02-1952 returns no record. Your detective has information that the suspect was arrested for a weapons violation in Texas. What transaction and purpose would you use to obtain a Texas (state) identification record?

Transaction _____ Purpose _____

3. The inquiry on Brown returned a response with a Texas SID, TX5432198. What transaction and purpose code would be used to obtain the complete record from the state of Texas?

Transaction _____ Purpose _____

4. You need to print a copy of your agency's criminal/investigative inquiries from last month. What transaction would you perform to obtain this information?

Transaction _____

5. Your agency is conducting a criminal investigation and has arrested Juan Martinez, W/M, 05-24-1955. Your information reveals that this individual is a alien from El Salvador. What transaction would you use to try to obtain more information on this subject?

Transaction _____ Purpose _____

AOC Inquiries

Complete each of the following exercises by answering the question with the information requested. You may use your certification outline to assist you in answering these exercises.

1. The three status types associated with AOC records are:
 - a. _____
 - b. _____
 - c. _____
2. An AOC criminal defendant name inquiry (QACD) can be performed using:
 - a. A single county code
 - b. Multiple county codes
 - c. Statewide
 - d. Any of the above
3. All AOC records are documented by fingerprint cards.
True False
4. In order to perform a criminal court record inquiry (QACR), which identifier(s) must be used?
 - a. Defendant's Social Security Number
 - b. Defendant's SID Number
 - c. County Code and Court Docket Number
 - d. Defendant's Operator's License Number
5. A defendant/witness court schedule inquiry can be performed on a law enforcement officer, if he was listed as a witness in the case.
True False
6. All agencies with DCI access are authorized to access AOC records, including limited access ORI's.
True False

Instructions for Taking the Online Certification Tests

1. New users must be authorized by the Training Specialist teaching the class before the user can test. New users will be authorized by the Training Specialist at the end of the last day of instruction the user is scheduled to attend.
2. **New users must attend 90% of classroom instruction in order to be authorized to test.**
3. Users who are recertifying do not require authorization by DCI staff.
4. **Before any user can take a certification test, he/she must coordinate the testing with their agency's Terminal Agency Coordinator (TAC).** The TAC will schedule a date/time for the testing and may specify a particular location where the testing is to occur. New users should contact their TAC within seven days of completion of classroom instruction, but must test within fifteen days of classroom instruction. If testing has not been done within fifteen days of the end of classroom instruction, the user will lose access to Trainer and **must** attend class again.
5. Users who are recertifying should not be testing unless they are within 30 days of expiring. A user can take a re-certification test up to 90 days after their expiration date has passed. Once this 90 day period has passed, the user must attend class instruction as a new user. Users who have expired will not be able to use Force until successful completion of testing in the applicable module(s).
6. **If a user takes a certification test without properly contacting his agency TAC, the score will be deleted and the student must retake that test. The user will be sanctioned by the SBI. A subsequent violation, after having been sanctioned, will result in revocation of the user's DCI certification.**
7. Tests will consist of both true/false and multiple choice questions pulled at random from a test question pool. Generally, a test consists of either 25 or 33 questions.
8. Tests are timed. A user taking a 25-question test, for example, is allowed 40 minutes to complete the test.
9. If a student does not complete the test within the time limit allowed, the test will submit automatically.
10. While taking the online test, the user may use his/her certification manual and his/her notes from class. **The user may not use any other materials. The user cannot receive assistance from anyone while taking this test, except clarification from the TAC on how to use the Trainer software.**
11. ***Cheating or assisting in cheating is fraud! If a user is caught cheating or assisting another user in cheating, the users' DCI certification will be revoked. The results of the investigation will be turned over to NC Dept of Justice Training & Standards, who may revoke other certifications as well (law enforcement officer, criminal justice instructor, telecommunicator, and/or correctional officer certifications).***
12. When the test has been submitted for grading, the user will immediately receive a results page displaying the score for that test. This results page will display test categories (portions of the outline) and the results are broken down by category.
13. **The results page *MUST BE PRINTED*. The user should sign or initial the results page and a *COPY OF THE RESULTS PAGE MUST BE GIVEN TO THE TAC!***
14. The TAC should also sign or initial the results page and maintain this printout for 2 years. This form is subject to DCI audit.
15. Users must make a score of at least an 80% for each test for granting of certification (or recertification). Users making an 80 or higher are granted certification rights immediately.